

UNITED STATES COURT OF APPEALS

MAR 31 2008

FOR THE NINTH CIRCUIT

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MALIK SMITH, a/k/a Michael Marvin
Montana, Tarid M. Smith, Tarik N. Smith,
Tarik Smith, Tarik Marchand Smith, Tarik
Malik Smith, Milik and Tarid Smith,

Defendant - Appellant.

No. 05-50375

D.C. No. CR-03-00728-PA-01
Central District of California,
Los Angeles

ORDER

Before: D.W. NELSON and O'SCANNLAIN, Circuit Judges, and JONES,*
District Judge.

The memorandum disposition filed on May 26, 2006 is withdrawn. A
superseding opinion and superseding memorandum disposition will be filed
concurrently with this order.

The petition for rehearing and for rehearing en banc is DENIED as moot.
The parties may file new petitions for rehearing or rehearing en banc as provided
by Federal Rule of Appellate Procedure 40.

* The Honorable Robert C. Jones, District Judge for the District of Nevada,
sitting by designation.